

WC 05-280

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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AUG 23 2005

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
Section 63.71 Application of )  
 ) File No.  
Wisconsin Bell, Inc. d/b/a SBC Wisconsin )  
For Authority Pursuant to Section 214 of )  
The Communications Act of 1934, As Amended, )  
To Discontinue the Provision of Service )

SECTION 63.71 APPLICATION OF  
SBC WISCONSIN

Wisconsin Bell, Inc. d/b/a SBC Wisconsin ("SBC") applies for authority under Section 214(a) of the Communications Act, as amended ("the Act"), 47 U.S.C. § 214 and Section 63.71 of the Federal Communications Commission's ("Commission") rules, 47 C.F.R. § 63.71, to discontinue its interstate intraLATA toll service in certain areas outside of its local service territory.

As required by Section 63.71(a) and (b) of the Commission's rules, SBC is providing the following information:

**Name and Address of Carrier (47 C.F.R. §§ 63.71(a)(1), (b)(2)):**

SBC Wisconsin  
722 North Broadway  
Milwaukee, WI 53202

**Date of Planned Service Discontinuance (47 C.F.R. §§ 63.71(a)(2), (b)(2)):** SBC plans to discontinue this service on November 1, 2005.

**Points of Geographic Areas of Service Affected (47 C.F.R. §§ 63.71(a)(3), (b(2)):**

Aurora, Florence, Niagara & Spread Eagle exchanges in Wisconsin.

**Brief Description of Type of Service Affected (47 C.F.R. §§ 63.71(a)(3), (b(2)):**

SBC's intraLATA toll service completes calls on the public switched network between an originating location and a terminating location, which is outside the local service area of the originating location but is within the same LATA. SBC's intraLATA toll service provided in the above-referenced exchanges has the capability of terminating interstate calls to certain exchanges in Michigan that are also in LATA 342.

SBC is, however, one of many carriers that currently offer intraLATA toll service in the above-referenced exchanges. Other carriers currently providing intraLATA toll service in these exchanges include MCI, Sprint and Qwest. In addition, the Public Service Commission of Wisconsin ("PSCW") recently found that intraLATA toll service is available in these exchanges at affordable rates from other providers.<sup>1</sup> Therefore, customers will have the ability to select another intraLATA toll provider of their choice. Furthermore, customers affected by SBC's discontinuance of intraLATA toll service in these exchanges will not be charged for changing their intraLATA toll provider. SBC has agreed to pay for one intraLATA PIC-change fee for each customer affected. As a result, the public convenience and necessity will not be adversely affected by the discontinuance of this service.

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<sup>1</sup> See SBC Wisconsin's Notice of Discontinuance of IntraLATA Toll in Certain Areas Outside of its Local Service Territory, Final Decision, Docket No. 6720-TA-121, dated July 27, 2005, attached hereto as Attachment A.

**Brief Description of the Dates and Methods of Notice to All Affected Customers (47 C.F.R. § 63.71(b)(3)):**

SBC notified the affected customers by newspaper advertisement in the Florence Mining News and The Niagara Journal on August 10, 2005 and in writing by first class U.S. Mail on August 17, 2005. The notices inform the affected customers of the service discontinuance and their rights to file objections with the Commission. Copies of the notices are attached to this Application.<sup>2</sup>

Copies of this Application are being sent, first class U.S. Mail, to the PSCW, the governor of Wisconsin and also to the Special Assistant for Telecommunications to the Secretary of Defense, as required by Section 63.71(a) of the Commission's rules, 47 C.F.R. § 63.71(a).

**Regulatory Classification of Carrier (47 C.F.R. § 63.71(b)(4)):**

SBC is considered a non-dominant carrier with respect to the intraLATA toll service being discontinued in these exchanges.<sup>3</sup>

Questions about this application may be addressed to Jan Price, SBC Services, Inc., Associate Director, Federal Regulatory, 1401 I Street N.W., Suite 400, Washington, D.C. 20005, (202) 326-8837, (202) 789-5319 (facsimile).

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<sup>2</sup> Affidavit of Publication of The Niagara Journal attached as Attachment B; Affidavit of Publication of The Florence Mining News attached as Attachment C; SBC's customer mailing is attached as Attachment D.


<sup>3</sup> SBC Wisconsin is not the incumbent Local Exchange Carrier in these exchanges and does not have carrier of last resort obligations for intraLATA toll service in these exchanges. The Niagara Telephone Company is the incumbent Local Exchange Carrier in these exchanges. Furthermore, the Public Service Commission of Wisconsin recently approved SBC Wisconsin's request to discontinue intraLATA toll service in these exchanges. See Attachment A, at p. 4.

**Conclusion:**

The public convenience and necessity will not be adversely affected by SBC's discontinuance of intraLATA toll service in the Aurora, Florence, Niagara & Spread Eagle exchanges in Wisconsin since there are alternative providers of this service at affordable rates. Therefore, SBC respectfully requests that the Commission approve its Section 63.71 Application to discontinue the provision of intraLATA toll service in the above-referenced exchanges.

Respectfully submitted,

SBC Wisconsin

By: 

Terri L. Hoskins  
Gary L. Phillips  
Paul K Mancini

SBC Services, Inc.  
1401 I Street, N.W.  
Suite 400  
Washington, DC 20005

*Its Attorneys*

Dated: August 23, 2005

## **CERTIFICATE OF SERVICE**

I do certify that I have this 23rd day of August 2005 served a copy of the foregoing

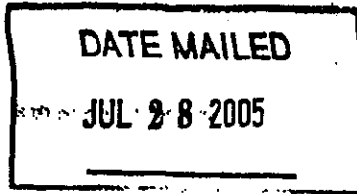
**Section 63.71 Application of SBC Wisconsin by U.S. Mail postage prepaid to the following:**

Secretary of Defense  
Attn: Special Asst. for Telecommunications  
Pentagon  
Washington, D.C. 20301

Public Service Commission of Wisconsin  
Secretary to the Commission  
P.O. Box 7854  
Madison, Wisconsin 53707-7854

Governor James Doyle  
115 East State Capitol  
Madison, Wisconsin 53702

  
\_\_\_\_\_  
Otis Robinson



BEFORE THE

PUBLIC SERVICE COMMISSION OF WISCONSIN

SBC Wisconsin's Notice of Discontinuance of IntraLATA Toll in  
Certain Areas Outside of its Local Service Territory

6720-TA-121

**FINAL DECISION**

This is the final decision in the application by Wisconsin Bell, Inc., d/b/a SBC Wisconsin (SBC), to discontinue intraLATA toll service in the areas served by several rural incumbent telephone companies.

**Introduction**

On April 29, 2005, SBC filed a Notice to discontinue intraLATA toll service in the exchanges served by Baldwin Telecom, Inc., Bayland Telephone, Inc., Clear Lake Telephone Co., Hillsboro Telephone Co., Inc., Lemonweir Valley Telephone Co., Mosinee Telephone Co., Mount Horeb Telephone Co., Niagara Telephone Co., Price County Telephone Co. and Vernon Telephone Coop., Inc. The Commission considered this SBC application to discontinue intraLATA toll service at its open meeting of July 19, 2005.

In a previous docket, 6720-TI-178, SBC had filed to relinquish the status of intraLATA toll provider of last resort in rural exchanges served by these companies. In that docket, the Commission found that intraLATA toll service was available from other providers, so it eliminated SBC's intraLATA toll provider of last resort requirements in those areas.

The Commission issued a Notice and Request for Comments on May 26, 2005, with comments due on or before June 17, 2005. Comments were received from SBC, in support of its proposal, and from Mount Horeb Telephone Company (Mount Horeb). In its comments,

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SBC stated that it would make arrangements with the rural telephone companies to pay any preferred interexchange carrier charge (PICC) charges billed to an SBC intraLATA toll customer for changing to a new toll provider. This will ensure that the customers are not harmed by the change. In its comments, Mount Horeb did not object to the proposed discontinuance, but questioned whether SBC should continue to use Feature Group C trunking arrangements in exchanges in which it had abandoned intraLATA toll service.

#### **Findings of Fact**

One or more other telecommunications providers are providing substantially the same service to customers in the affected exchanges, as demonstrated by the fact that SBC has less than 50 percent of the customers in each of those exchanges.

#### **Conclusions of Law**

1. SBC's discontinuance of intraLATA toll service in the territories served by the rural incumbent local exchange companies is authorized under Wis. Stat. § 196.20(1m)(a).
2. The Commission has the authority under Wis. Stat. § 196.20(1m)(d) to condition SBC's discontinuance of intraLATA toll service.

#### **Opinion**

SBC has filed to discontinue intraLATA toll service in the territories served by several rural ILECs. If discontinuance occurs, SBC would no longer provide toll service at all to customers in those territories. Wis. Stat. § 196.20(1m) lists the circumstances under which a service may be discontinued and provides that the Commission shall determine under what conditions a utility may discontinue intraLATA toll service. One of the listed circumstances is if one or more other telecommunications providers are providing substantially the same service to

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customers in the exchange. The fact that SBC has less than 50 percent of the customers, as demonstrated when SBC relinquished intraLATA provider of last resort status in docket 6720-TI-178, shows that intraLATA toll service is available, at affordable rates, from other providers. No customers have objected to the proposal to discontinue service.

SBC's discontinuance of service in these exchanges is authorized under the statute. It is reasonable for a provider to be allowed to discontinue service and to exit a market if it finds the market to be unprofitable, provided that customers are not harmed. Customers would be harmed if they were unable to find alternative services at affordable prices, or if they were forced to pay additional fees and charges to obtain service from an alternative provider. However, SBC has arranged to have customers avoid paying the charges normally assessed for changing intraLATA toll providers. Therefore, SBC toll customers will not be charged for choosing a provider to replace SBC when it exits the toll market. Assuring this treatment of customers is the only condition the Commission places on the discontinuance.

Mount Horeb did not object to the proposed discontinuance of intraLATA toll services, but questioned whether SBC should continue to use Feature Group C trunking arrangements. The Feature Group C trunks were originally established to carry traffic in the period before divestiture, before the FCC defined the terms LATA (local access and transport area), or Feature Group C. This issue was not developed in this docket and does not directly bear on the issue of whether SBC can or should abandon intraLATA toll service. The issue will be addressed in the Commission's open docket on transport traffic (05-TI-1068).



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**Order**

1. SBC's discontinuance of intraLATA toll service in the areas served by Baldwin Telecom, Inc., Bayland Telephone, Inc., Clear Lake Telephone Co., Hillsboro Telephone Co., Inc., Lemonweir Valley Telephone Co., Mosinee Telephone Co., Mount Horeb Telephone Co., Niagara Telephone Co., Price County Telephone Co. and Vernon Telephone Coop., Inc. is approved but is conditioned upon SBC making arrangements to ensure that current SBC toll customers of these companies are not charged for changing providers when SBC exits the market.

2. Jurisdiction is retained.

Dated at Madison, Wisconsin, July 27, 2005

By the Commission:

Christy L. Zehner

Christy L. Zehner  
Secretary to the Commission

CLZ:PRJ:slg:g:\order\pending\6720-TA-121 Final.doc

See attached Notice of Appeal Rights

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Notice of Appeal Rights

Notice is hereby given that a person aggrieved by the foregoing decision has the right to file a petition for judicial review as provided in Wis. Stat. § 227.53. The petition must be filed within 30 days after the date of mailing of this decision. That date is shown on the first page. If there is no date on the first page, the date of mailing is shown immediately above the signature line. The Public Service Commission of Wisconsin must be named as respondent in the petition for judicial review.

Notice is further given that, if the foregoing decision is an order following a proceeding which is a contested case as defined in Wis. Stat. § 227.01(3), a person aggrieved by the order has the further right to file one petition for rehearing as provided in Wis. Stat. § 227.49. The petition must be filed within 20 days of the date of mailing of this decision.

If this decision is an order after rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not an option.

This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

Revised 9/28/98

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APPENDIX A

This docket proceeding is not a contested case under Wis. Stat. ch. 227, therefore there are no parties as defined in Wis. Stat. § 227.01(8), to be listed or certified under Wis. Stat. § 227.47. However, the persons listed below are defined by Wis. Admin. Code § PSC 2.02(7),(10), and (12) as parties in the docket and participated therein.

Public Service Commission of Wisconsin  
*(Not A Party But Must Be Served)*  
610 N. Whitney Way  
P.O. Box 7854  
Madison, WI 53707-7854

SBC WISCONSIN  
Steven R. Beck  
722 North Broadway, 14<sup>th</sup> Floor  
Milwaukee, WI 53202

MOUNT HOREB TELEPHONE COMPANY  
John A. Klarer  
200 East Main Street  
Mount Horeb, WI 53572

**Affidavit of Publication** The Niagara Journal  
**Henry Murphy, Publisher**  
 Phone (715) 528-3276 or 696-3400

## STATE OF WISCONSIN

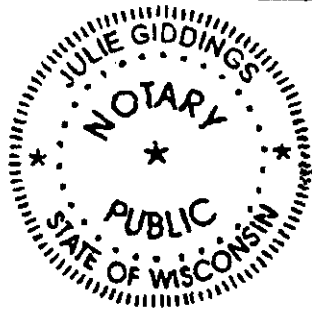
Florence County, }SS,

Henry Murphy being first duly sworn according to law, on oath, says that he is an authorized representative of THE NIAGARA JOURNAL a weekly newspaper, printed and published in the Town of Florence, County and State aforesaid, and that the notice or advertisement, of which the annexed is a true printed copy taken from said paper, was published in the full edition of said paper on the following date(s): August 10, 2005

(Signed) Henry Murphy  
 Official Representative

Subscribed and sworn to before me, this 10th day of August, 2005.

(SEAL)



Julie Giddings  
 Julie Giddings  
 Notary Public, Florence County, Wisconsin  
 My Commission Expires 5-14-2006

## SBC Wisconsin Local Toll Service Announcement

Effective November 1, 2005, subject to FCC approval, SBC Wisconsin will discontinue offering intraLATA toll (a.k.a. local toll) service in the Niagara Telephone company telephone exchanges. Customers who currently use SBC Wisconsin intraLATA toll in these exchanges need to select another local toll provider. Failure to do so will result in not having the capability to place an intraLATA toll call through a direct dial option (Calling card, ten-ten numbers, and other available options will not be affected). Customers are encouraged to contact a Niagara Telephone Company customer service representative at one of the following numbers 715-251-3116 or 800-648-3526 to change their intraLATA toll provider to another company servicing the area.

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Sec. 63.71 application of SBC Wisconsin. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.

MN8/10/05

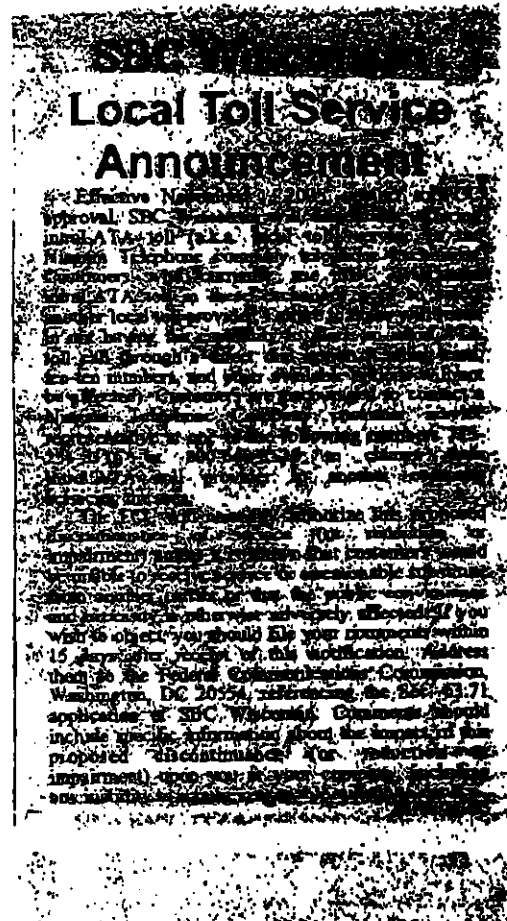
One insertion -- 26 lines	\$26.02
Affidavit Fee:	1.00
Other:	0.00
Total:	\$27.02

Florence County, }SS.

(Signed) Henry Murphy  
Official Representative

*Julie Giddings*  
Julie Giddings  
Notary Public, Florence County, Wisconsin  
My Commission Expires 5-14-2006

One insertion - 36 lines	\$27.02
Affidavit Fee:	1.00
Other:	0.00
Total:	\$28.02



Due to a highly competitive intraLATA toll (also called local toll or local long distance) service market, SBC Wisconsin will discontinue offering intraLATA toll service in the Niagara Telephone Company telephone exchanges, subject to FCC approval, on November 1, 2005.

Customers who currently use SBC Wisconsin intraLATA toll in these exchanges need to select another intraLATA toll provider. Customers are encouraged to contact a Niagara Telephone Company customer service representative at one of the following numbers 715-251-3116 or 800-648-3526 to change their intraLATA toll provider to another company servicing your area.

SBC is working closely with the Public Service Commission of Wisconsin and your local telephone company to insure that this transition is as smooth as possible. If you have any questions or concerns related to this matter, please contact a Niagara Telephone Company customer service representative.

The FCC will normally authorize this proposed discontinuance of service (or reduction or impairment) unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments within 15 days after receipt of this notification. Address them to the Federal Communications Commission, Washington, DC 20554, referencing the Sec. 63.71 Application of SBC Wisconsin. Comments should include specific information about the impact of this proposed discontinuance (or reduction or impairment) upon you or your company, including any inability to acquire reasonable substitute service.